

Minutes  
Board Meeting  
Thursday, November 5, and Friday, November 6, 1998

Board of Registration for Professional Engineers  
And Land Surveyors

Atrium Hotel  
Hibiscus Room  
18700 MacArthur Blvd.  
Irvine, CA

**Thursday, November 5, 1998**

**1. ROLL CALL TO ESTABLISH QUORUM**

The meeting was called to order by President Powell at 3:20 p.m.

Roll call was taken--a quorum was present.

Board Members Present: Myrna Powell (President), George Shambeck (Vice-President), Vince DiTomaso, Ted Fairfield, Jim Foley, Kathy Hoffman, Andrew Hopwood, Stephen Lazarian, Marilyn Lyon, Millicent Safran

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Kevin A. Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Robert Jones (Board Administrative Assistant)

Board Members Absent: Gregg Brandow, David Chen, Quang Vu

Public Present: Tom Stout, representing himself; Joyce Hirano, Caltrans; Matt Deatherage, Southern CA Edison; W.D. Lowerison, Southern CA Edison; Chris Tran, Southern CA Edison; Rich Ray, CLSA; Kurt Hoehn, HB Land Surveying; Alvin P. Christenson, URS Greines Woodward Clyde

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

President Powell asked that public comment be postponed until the following day so that the Board could go into closed session.

The Board went into Closed Session.

The meeting was adjourned immediately following Closed Session, at 4:02 p.m.

**Friday, November 6, 1998**

**3. ROLL CALL TO ESTABLISH QUORUM**

The meeting was called to order by President Powell at 9:00 a.m.

President Powell announced the reappointment to the Board of Kathy Hoffman and Steve Lazarian, both Public members, and the appointment of three new Board members: Gregg Brandow, Structural member; David Chen, Public member; and Jim Foley, Geotechnical member.

Roll call was taken--a quorum was present.

Board Members Present: Myrna Powell (President), George Shambeck (Vice-President), Gregg Brandow, Vince DiTomaso, Ted Fairfield, Jim Foley, Kathy Hoffman, Andrew Hopwood, Stephen Lazarian, Marilyn Lyon, Millicent Safran, Quang Vu

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Kevin A. Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Robert Jones (Board Administrative Assistant)

Board Members Absent: David Chen

Public Present: See Attachment A.

**4. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

None

**5. OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

The Board approved the recommendation of the Enforcement Committee to adopt the proposed stipulation in the matter of Warren Hubbard.

The Board approved the recommendation of the Enforcement Committee to adopt the proposed decision in the matter of Ladislav Peter Petrovsky.

The Board took action on the petition for reconsideration of Loreto Manuel.

The Board approved for registration those applicants that were successful in appealing the results of the April 1998 NCEES PE examinations.

The Board denied the unsuccessful appeals of the April 1998 NCEES PE examinees.

The Board denied the unsuccessful appeals of the April 1998 Professional Land Surveyor examinees.

Mr. Hopwood arrived at 9:05 a.m.

## **6. APPROVAL OF CONSENT ITEMS**

MOTION: Ms. Safran/Ms. Lyon moved to approve the Minutes of the September 18, 1998, Board Meeting; the Examination Appeals considered in Closed Session; the Three and/or Five Year Delinquents; and the Examination Procedures and Results considered in Closed Session.

VOTE: 11-0, Motion carried.

## **7. COMITY AND TEMPORARY AUTHORIZATION APPLICATIONS**

MOTION: Mr. Fairfield/Mr. Hopwood moved to approve the applicants for registration by Comity.

VOTE: 11-0, Motion carried.

## **8. LITTLE HOOVER COMMISSION REPORT: CONSUMER PROTECTION**

Ms. Christenson briefed the Board on the executive summary portion of the Little Hoover Commission Report.

Ms. Hoffman arrived at 9:15 a.m.

Ms. Christenson read the 4 recommendations of the Commission's executive summary, and the Board discussed their potential impacts. The Board directed staff to draft a position statement for consideration at the December Board meeting.

## **9. TECHNICAL ADVISORY COMMITTEE REPORTS**

**a. Land Surveying**

1. Report on October 9, 1998, Committee Meeting

Mr. Shambeck reported on the October 9, 1998, Committee Meeting.

2. Status of an Ad Hoc Committee Proposed to Prepare a Board Information Brochure regarding Geographic Information Systems (GIS) and Land Information Systems (LIS) (Possible Action)

Relating to the proposed Board Information Brochure, Mr. Shambeck discussed a meeting he attended in Sacramento on October 22, 1998, with the California Geographic Information Association (CGIA). One of the items discussed was the development of an outreach program via a Public Information Brochure. CGIA will be providing the Board with various publications they have put out that we can utilize in developing our own publication. Mr. Shambeck stated that getting various public and private industry associations such as CELSOC and CLSA together for input on roles of various people involved in the development of plans and documents relating to GIS and LIS systems will be an ongoing effort.

3. Academic Review and Discussion of Possible Alternatives to Schools Offering Land-Surveying Education Currently Approved by the Board (Possible Action)

Due to a change in law, effective January 1, 1999, "broad-based experience" will be a requirement for licensure as a Professional Land Surveyor. Mr. Shambeck discussed the TAC's ongoing attempts to develop a definition of what "broad-based experience" is. The definition will come before the Board to be approved in the form of new regulations. Mr. Fairfield requested that this be reviewed by the CE TAC because it impacts civil engineers also.

Mr. Shambeck also apprised the Board that the list of approved Land Surveying schools is out-dated. Therefore, the TAC recommends that the Board remove all non-ABET curricula

**MOTION:** Mr. Shambeck/Ms. Hoffman moved to remove any non ABET-accredited curricula from any lists of curricula maintained by the Board which indicate a "Board Approved Curriculum."

**VOTE:** 12-0, Motion carried.

4. Letters from the Board's Legal Office Regarding Subdivision Map Act and Land Surveyors Act Surveying and Mapping Procedures (Possible Action)

No action or discussion

**b. Civil/Geotechnical Engineering**

1. Report on the September 23, 1998, Committee Meeting

Mr. Fairfield reported on the September 23, 1998, Committee Meeting.

For the new Board members, Mr. Fairfield went through the history of the items from the CE/GE TAC's September 23, 1998, agenda.

**c. Electrical Engineering**

1. Report on the September 24, 1998, Committee Meeting.

Mr. Di Tomaso reported on the September 24, 1998, Committee Meeting.

**d. Mechanical Engineering**

- No Meeting Held

**e. Structural Engineering**

Mr. Brandow reported on the Structural Engineering agenda action items.

1. Bracing of Mechanical and Electrical Equipment (Possible Action)

The Board asked that the above item be sent back to the Structural, Electrical and Mechanical TAC's to be looked at more closely on a joint level. Mr. Lazarian suggested the TAC's work on changing the language in the proposed policy resolution from "responsible for fastening" to "responsible for showing the design specification for fastening."

2. Temporary and Fixed Structures (Possible Action)

The Board discussed the SE TAC recommendation, especially the use of the word "temporary" with structures.

**MOTION:** Ms. Safran/Mr. Brandow moved that the SE TAC review and evaluate whether or not an investigation is necessary regarding temporary structures.

**VOTE:** 12-0, Motion carried.

3. Use of term "Construction Observation" in Place of "Supervision of Construction" in Section 6703.1 of the PE Act (Possible Action)

The Board discussed the language "supervision of construction" in section 6703.1. of the PE Act and the possible addition of language replacing "supervision of construction" with "construction observation" in the proposed new section 6703.1(a).

The Board agreed that the proposed language should be sent back to the SE TAC for further refinement.

4. SE TAC Appointments (Possible Action)

MOTION: Mr. Brandow/Mr. Hopwood moved to reappoint Mr. Flores as a member and Chair of the SE TAC, and to appoint Mr. Miyamoto, Mr. Nieblas, and Mr. Winter as members of the SE TAC. All terms expire on June 30, 2000.

VOTE: 12-0, Motion carried.

**10. LIAISON REPORTS**

a. ABET

Tom Stout briefed the Board on the ABET annual Board Meeting. He stated that the Engineering Criteria 2000 are now in full use.

President Powell stated that the Board has had 2 ABET accreditations thus far this year, one at UC Riverside—which President Powell herself attended--and one at Santa Clara University attended by Board staff engineer Eileen Crawford. Ms. Powell also commented on the Engineering Criteria 2000. She stated it would be a major change for evaluations and that many California schools are considering it. ABET visitation teams will be asking, “Does the program meet the goals set out by the university?”

b. NCEES (Possible Action)

President Powell asked Mr. Fairfield to make a brief report on current issues.

Mr. Fairfield reported that there would be a meeting of the NCEES Board of Directors (BOD) in Half Moon Bay, California, Friday and Saturday, November 13 and 14, 1998.

Mr. Fairfield reported that the whole system of conversion to machine-scored examinations is gathering steam. Within the next one to two years the whole system of scoring will be so converted.

Mr. Fairfield also shared that the civil examination will be the first exam, probably in the year 2000, to go into a full breadth/depth program.

A notice has been sent out by the council regarding a brand new discipline called Ship Design Engineering. It was adopted in due course by the NCEES as there was sufficient demand from various states, there is an ABET program for it and there is a society that is willing to write the exam. The first examination will probably be administered in 1999.

Mr. Fairfield suggested that our Board start looking into the future probability of professional engineers from other states wanting to be granted comity based upon their taking and passing examinations in those disciplines not offered in California. For instance, an individual that takes and passes the architectural engineers examination may not be tested on seismic principles. This could pose a threat to the public health and safety.

Mr. Fairfield reported that the EPE Committee believes that, for the moment, the Examination Policy 13 passed at the NCEES Annual Meeting in August, 1998, poses serious threats to the examination process. The security of the exams would be breached, thereby depleting the examination item bank because new items would have to be used for each new exam cycle. Also, the consequence and validity of an exam could come into question with computers being used with advanced software that could solve questions in two minutes as opposed to now taking much longer to solve on a standard calculator. Equity and fairness issues are also involved because not every candidate could afford to bring in a laptop. Mr. Fairfield believes that the BOD will attempt to delay or reverse the EP 13 decision at the upcoming meetings.

Computer-based testing (CBT) is also an ongoing issue with the NCEES. This means that exams would be offered on a computer, as opposed to personal computers being allowed in the exam rooms. The CBT task force is in the process of drafting a request for proposal at this time. Mr. Fairfield believes that there are still many questions remaining to be answered about the implementation of CBT.

Mr. Fairfield also informed the Board that a group purported to be the Engineers Board representing all of China has just had a contract expire and has a new contract in the works with the NCEES to give Chinese engineers registered with them equivalency in the USA. Mr. Fairfield suggested that before such a contract is entered into by the BOD that, at the very least, every state should be allowed input.

- 1998 Annual Meeting

This item will be removed from future agendas as it is completed.

- 1999 Western Zone Meeting

Mr. Shambeck reported on the 1999 Western Zone Meeting to be held in Monterey, California, on April 29, 30, and May 1, 1999.

He informed the Board that we would have to solicit funds in the amount of \$20,000.00 out of the total \$45,000.00 cost.

The Western Zone committee has put together solicitation letters to be sent to professional societies, other engineers and surveyors, or friends who might be interested in contributing to and supporting the event. For any members of the Board who want copies, Kevin Schunke has the letter and a mailing list of those it has already been sent to. Mr. Shambeck himself has sent out about 130 letters. Mr. Shambeck also urged the Board members themselves to consider contributing to the event.

Mr. Shambeck indicated that, typically, “goodies” are also needed for raffle prizes and welcome gifts.

Mr. Shambeck estimated there would be about 100 registrants and 25 spouses at the conference, although because of the location of the conference we could have a larger turnout than expected.

- c. International Relations
  - Mobility of Engineers within Canada

MOTION: Mr. Lazarian/Mr. Hopwood moved that we participate in the survey, categorically saying “no” in the entire survey and having staff draft a letter outlining the Board’s specific concerns for approval/comments from Mr. Lazarian and Mr. Vu.

VOTE: 12-0, Motion carried.

- d. Technical and Professional Societies

No report

## **11. PRESIDENT’S REPORT**

President Powell summarized her meeting with the American Society of Civil Engineers’ (ASCE) north coast chapter in Arcata, California. She stated that the members were receptive of a possible fee increase, offering to write letters of support to the Sunset committee. President Powell commented on the need for support in the changing political climate.

President Powell reported on the upcoming NCEES Governance Committee meeting and thanked those Board members who had shared their thoughts. She reported that she will ask that the committee consider an alternate Member Board vote procedure for between annual meetings.

President Powell mentioned that several professional groups are considering introduction of legislation next year that would impact the Board. Staff and Board members are working with these groups to minimize impact on the Sunset process.



President Powell asked that members use the new Board member outreach forms for individual and group discussions. If staff needs to research and respond to questions pertaining to Board member outreach discussions, President Powell directed Board members to send their reports to Cindi via Robert as soon as possible.

President Powell reiterated to the Board that personal opinions and conjecture from individual Board members may be misconstrued as the opinion of the Board. When in doubt, stated President Powell, ask that the issue be put on an agenda.

On a personal note, President Powell reported that a visit to Shell, Wyoming helped put things in perspective for her and she encouraged all members to embark on similar journeys.

## **12. EXECUTIVE OFFICER'S REPORT**

Ms. Christenson went through the executive summary report in detail to get the new Board member appointees up to speed.

Ms. Christenson reported on the status of the licensee look-up project on the Internet. She noted that the Board is looking into securing an independent contractor to get the project up and running.

Ms. Christenson reported on new hires and vacancies. She stated that enforcement had hired an analyst, Donna Vaum, but still has one more vacancy to be filled. Ms. Christenson also mentioned that the examinations unit has a vacancy that they are currently recruiting for at the Office Assistant/Office Technician level.

Ms. Christenson reported on enforcement and the cite and fine status report provided with the enforcement statistics packet.

Ms. Christenson reported on examinations. She reported that the sole source contract for grading of the 10/98 Structural Engineering examination had been approved. The amendments to the Special Civil and Professional Land Surveyor examination contracts are on track. Ms. Christenson reported on the administration of the October 1998 examinations. The only notable problems among the 5 sites statewide were at the San Bernardino site. The parking was problematic for the examinees, with only one entrance being opened at a time causing many irate examinees to be quite late for the start of their exams. Also, the sound system at the San Bernardino site caused minor problems. Ms. Christenson reported that there were only a total of 15 cases of exam subversion statewide.

Ms. Christenson reported on publications. The Fall Bulletin is in final review stage and should be published within a week or so. Ms. Christenson reported on the problems experienced with the 1998 Roster. Due to a lack of quality control on our part, the Roster had to be pulled and re-printed. The new Roster is done and is being sent out.

Ms. Christenson reported on out-of-state travel. She reported that money approved for other trips within the U.S. could be substituted to reimburse delegates that attended the Hawaii trip in August 1998.

Ms. Christenson reported on a meeting Wednesday, November 4, with Mr. Vu, Mr. Brandow, and John Shipp, President of the Structural Engineers' Association of California (SEAOC). SEAOC's main goal is to get Structural Engineering to become a practice act. They would like to move toward the national examination, once it becomes comparable to the California exam as far as seismic problems. Ms. Christenson reported that SEAOC has requested that the Board put this issue as a future agenda item.

Mr. Hopwood requested that Ms. Christenson include prior years in the exams/licensing section of her executive report in future agendas.

### **13. PRELIMINARY REPORT ON EQUATOR METHOD FEASIBILITY STUDY COMMITTEE**

Mr. Fairfield reported on the committee meeting held at the Board office in Sacramento. Costs of standard setting versus equating were discussed at length in the meeting, with equating found to be the less expensive method. Mr. Fairfield feels that the equating method should be explored further because of the potential for future cost-savings.

### **14. COMMITTEE REPORTS**

#### **a. Examination/Qualifications**

##### **1. Report on the November 5, 1998, Committee Meeting**

Mr. DiTomaso reported on the November 5, 1998, Examination/Qualifications Committee meeting.

##### **2. Request For Proposal (RFP) to Solicit Vendors Interested in Contracting with the Board to Develop the Special Civil, Geotechnical, Structural and Land Surveyor Examinations (Possible Action)**

The Board directed staff to proceed with the RFP and make recommendation(s) to the Examination/Qualifications Committee in December.

3. Citizenship and Immigration Status Verification Regulations  
(Possible Action)

MOTION: Mr. DiTomaso/Mr. Lazarian moved to continue with the process to implement the draft regulations with the changes incorporated on October 27, 1998.

VOTE: 11-1, Motion carried. Ms. Safran voted nay.

b. Administrative

1. Report on the November 5, 1998, Committee Meeting

Ms. Lyon reported on the November 5, 1998, Administrative Committee Meeting.

2. Cost Savings (Possible Action)

MOTION: Ms. Lyon/Mr. Vu moved to delay fee increase legislation pending completion of a thorough cost cutting analysis, directed staff to monitor expenses for specific cost savings and to pursue postponement of the Integrated Consumer Protection System (ICPS).

VOTE: 12-0, Motion carried.

The Board further directed staff to bring line item descriptions of the budget for cost savings analysis for the purpose of discussion to the next committee meeting.

3. Fee Increase (Possible Action)

4. Legal Opinion on Subject Matter Experts (Possible Action)

The Board discussed a response to a letter from Professional Engineers in California Government (PECG) dated November 5, 1998. Staff will draft a letter, for President Powell's signature, which will advise PECG to direct any future correspondence concerning subject matter experts to the office of Gary Duke, Board legal counsel.

5. Administrative Update (Possible Action)

- Budget Change Proposal (FY 1999/2000) – Exam Development Services
- Fund Condition
- 1998/99 Budget
- Integrated Consumer Protection System (ICPS)
- Applicant Tracking System
- Equipment
- Outreach Efforts
  - a. Board Member Form

Ms. Lyon noted the form modifications requested by the committee: 1. “contact person” was to be added under “groups addressed” on the form; 2. Questions that need staff research with a space for staff sign-off—form to be returned to Board member; 3. Topics that may be addressed at future Board outreach meetings.

Ms. Lyon added that the form is part of the Board’s comprehensive and consistent approach to outreach efforts.

Board staff was directed to put the updated form into the Board Member Manual.

b. Reports

c. Enforcement

1. Report on the November 5, 1998, Committee Meeting

Ms. Safran reported on the November 5, 1998, Enforcement Committee Meeting.

2. Approval of Rulemaking Process to Amend Board Rules 410 and 411 (Certificates and Seal) (Possible Action)

MOTION: Ms. Safran/Ms. Lyon moved to direct staff to proceed immediately with Section 100 rulemaking for the non-substantive amendments to Board Rule 410 as shown, with the following change in 410.(b): Change “shall only be issued” to “shall be issued only”.

VOTE:12-0, Motion carried.

Ms. Safran reported that the Enforcement Committee had directed staff and legal to look into whether or not the Board could address the issue of the use of electronic signatures in regulation. Staff will also make minor modifications to the proposed language to Board Rule 411. The Committee will review this information at its December meeting.

3. Review of Delinquent Reinstatement Process (Possible Action)

The Enforcement Committee directed staff to send out a memo to all Board members seeking opinions/comments on the process. A summary of the information received from all Board members will be presented to the Committee at its December meeting.

d. Legislative

1. Report on the November 5, 1998, Committee Meeting

Mr. Hopwood reported on the November 5, 1998, Legislative Committee Meeting.

2. Legislation for 1997/98 Legislative Session Including but Not Limited to: AB 376 (Baca), AB 1630 (Sweeney), AB 1682 (Ortiz), AB 2245 (Baldwin), ACA 35 (Goldsmith), SB 648 (Burton), SB 776 (Johannessen), SB 1959 (Schiff), SB 2069 (Knight), SB 2238 (Sen. B&P), SB 2239 (Sen. B&P), and others. (Possible Action)

No action required on legislation.

3. Sunset Process and Related Legislative Action (Possible Action)

No action required on Sunset process.

**15. APPROVAL OF BOARD TRAVEL (POSSIBLE ACTION)**

No action.

**16. OTHER ITEMS NOT REQUIRING BOARD ACTION**

No items.

**17. ADJOURN**

The meeting adjourned at 12:43 p.m.

Next Board meeting: December 18, 1998, at the Sacramento Board office